

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated April 14, 2008(hereinafter Office Action) have been considered. Claims 1-25 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

1. The Specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

Applicants respectfully traverse the objection. The term “computer-readable medium” is well known in the art, and the meaning of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import. Nonetheless, in order to facilitate prosecution, Claims 16-20 have been amended to set forth a “computer usable-medium.” Withdrawal of the rejection is therefore respectfully solicited.

2. Claims 1, 3-5, 7, 9-10, 12, 14-16, 18-19, 21 and 23-24 based on 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0072451 by Pimentel et al. (hereinafter “Pimentel”).

Applicants respectfully traverse the objection. Applicants maintain, as before, that Pimentel fails to teach a Web services message being sent to a wireless terminal via WAP CO OTA. For example, Applicants have argued that Pimentel is silent on sending a Web service message to a terminal using WAP CO push. In the response to the arguments (Office Action, page 11, ¶35) the Examiner refers to Pimentel ¶0043, lines 16-19, ¶0036 lines 11-15, and ¶009 lines 2-9 to show WAP CO OTA. However, these excerpts merely state, respectively: *“The wireless gateway formats the notification message into a format recognized by the wireless device, e.g., SMS format, and ‘pushes’ the notification message onto a wireless client (52)”*; *“the wireless gateway (53) handles the technical disparities that exist between various wireless protocols, e.g., Mobitex packets, Short Message Service (SMS) packets, etc., allowing the present invention to work seamlessly with all types of wireless protocols”*; and *“Push Over-The-Air Protocol (OTA). OTA is designed to run on top of HyperText Transfer Protocol (HTTP) or Wireless Session Protocol (WSP). When running OTA on top of HTTP (OTA-HTTP),*

the push content is delivered using an HTTP POST method. When running OTA on top of WSP (OTA-WSP), OTA extends WSP to address specific needs of the 'push' framework.” Applicants note, however, that “Push OTA protocol layer can provide WAP push support for either connectionless or connection-oriented mode.” (Specification, ¶0037). Nowhere does Pimentel describe the use of connection oriented or connectionless protocols, nor do any of the scenarios for sending SMS messages described by Pimentel inherently require the use of connection-oriented protocols. Therefore Applicants maintain that Pimentel fails to teach at least this feature of the rejected claims.

In this portion of the Office Action, the Examiner also “has interpreted the email notification transmitted by the server to the client as a web service message...[b]eing that email is a web service.” However, this is an unreasonably broad interpretation of a “Web service message” as such term is known in the art and as described in the instant Specification, e.g., “Web services are implemented as self-contained modular applications that can be published in a ready-to-use format, located, and invoked across the World Wide Web.” (Specification, ¶0005). The notification message described in Pimentel is not for invoking a service on a mobile device, but merely informs to a mobile user “that new data have arrived to a server stack.” (Pimentel ¶0043). As such, these messages are purely notifications. While Applicants do not acquiesce that an “email services is a web service,” these notifications are not to be described as being compatible with email protocols, nor with Web protocols that are associated with Web services.

In contrast, in the context of the specific claimed message exchanges, it should be clear that the claimed Web service messages being sent via WAP CO OTA push are used for invoking a service on the target mobile device. Therefore, in order to facilitate prosecution of the application and in a *bona fide* attempt to advance the application to allowance, the Applicants present this response with amendment to clarify particular aspects of the claimed invention. These amendments make more clear what is believed to have been originally set forth in these claims, but now states so more specifically.

The independent claims have been amended to indicate that the Web service message sent via WAP CO OTA push is used to invoke a remote procedure call. For example, Claim 1 recites that a second network entity comprises a mobile server that accepts incoming connection

requests to invoke a remote procedure call. A Web service message is sent to the second network entity via the WAP CO OTA push session using the transport protocol to invoke the remote procedure call via a mobile of the server second network entity. Similar amendments have been made to Claims 7, 12, 16, and 21. These amendments are fully supported in the Specification as filed (e.g., Specification ¶¶0006, 0009-0011, 0026-0027), and no new matter has been added.

Pimentel fails to anticipate amended independent Claims 1, 7, 12, 16, and 21, at least because the mobile devices in Pimentel are acting as clients. (e.g., “the client is a wireless device and the server is a computer located at the office,” Pimentel ¶0002; “wireless application server that manages data flow to wireless clients (40),” Pimentel ¶0010; “wireless client (52) contains a client stack,” Pimentel ¶0038). The only data Pimentel describes as being sent to the client without the client explicitly request information from the server is the SMS message described in ¶0043. However, as Applicants have stated above, Pimentel does not describe invoking a remote procedure call using this SMS message, nor does Pimentel describe the wireless client as capable of accepting incoming connections such as a server.

For at least these reasons, Pimentel fails to anticipate independent Claims 1, 7, 12, 16, and 21. Dependent Claims 3-5 depend from independent Claim 1; dependent Claims 9 and 10 depend from independent Claim 7; dependent Claims 14 and 15 depend from independent Claim 12; dependent Claims 18 and 19 depend from independent Claim 16; and dependent Claims 23 and 24 depend from independent Claim 21. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by Pimentel. While Applicant does not acquiesce with the particular rejections to these dependent claims, including any assertions concerning inherency or the taking of Official Notice, these rejections are now moot in view of the remarks made in connection with independent Claims 1, 7, 12, 16, and 21. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from Pimentel. Therefore, dependent Claims 3-5, 9, 10, 14, 15, 18, 19, 23 and 24 are also allowable over Pimentel.

3. Claims 2, 8, 13, 17 and 22 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Pimentel as applied to claims 1, 7, 13, 17 and 35, and further in view of U.S. Publication No. 2003/0095540 by Mulligan et al. (hereinafter “Mulligan”).

For the rejections of Claims 2, 8, 13, 17 and 22, the Office Action relies on Pimentel as teaching the substance of the claims from which these claims depend, namely independent Claims 1, 7, 12, 16, and 21, respectively. Mulligan was not relied upon as providing a remedy to the deficiencies of Pimentel as it pertains to independent Claims 1, 7, 12, 16, and 21 nor does Mulligan provide such a remedy. Thus, because neither Pimentel nor Mulligan teach at least the recitations of Claims 1, 7, 12, 16, and 21, a combination of Pimentel and Mulligan fails to teach these recitations.

Further, a combination of Pimentel and Mulligan fails to suggest the invention set forth in Claims 1, 7, 12, 16, and 21, as there is no reference to at least Web service message sent via WAP CO OTA push is used to invoke a remote procedure call, e.g., on a mobile server. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations nor has the Office Action set forth any rationale why claim limitations not taught by the combination of references would nonetheless be obvious to one of ordinary skill in the art.

For at least this reason, Claims 2, 8, 13, 17 and 22 are not rendered obvious by the combination of Pimentel and Mulligan, and withdrawal of the rejection is respectfully solicited.

4. Claims 6, 11, 20 and 25 are rejected based on 35 U.S.C. §103(a) as being unpatentable over Pimentel as applied to claims 1, 7, 17 and 35, and further in view of U.S. Publication No. 2002/0155848 by Suryanarayana (hereinafter “Suryanarayana”).

For the rejections of Claims 6, 11, 20, and 25, the Office Action relies on Pimentel as teaching the substance of the claims from which these claims depend, namely independent Claims 1, 7, 16, and 21, respectively. Suryanarayana was not relied upon as providing a remedy to the deficiencies of Pimentel as it pertains to independent Claims 1, 7, 16, and 21 nor does Suryanarayana provide such a remedy. Thus, because neither Pimentel nor Suryanarayana

teach at least the recitations of Claims 1, 7 16, and 21, a combination of Pimentel and Mulligan fails to teach these recitations.

Further, a combination of Pimentel and Suryanarayana fails to suggest the invention set forth in Claims 1, 7, 16, and 21, as there is no reference to at least Web service message sent via WAP CO OTA push is used to invoke a remote procedure call, e.g., on a mobile server. While other requisites of establishing prima facie obviousness may also be absent, the Applicants respectfully submit that the cited combination of references at least fails to teach or suggest all of the claim limitations nor has the Office Action set forth any rationale why claim limitations not taught by the combination of references would nonetheless be obvious to one of ordinary skill in the art.

Applicants further note that ¶¶0049 and 0058 of Suryanarayana were relied upon to show sending a Web service response message via the WAP CO OTA push session where the services request was received. However, the communications described in ¶¶0049 and 0058 are merely “uni-sync” signals that “enable two or more device users to view the Web content simultaneously...by one party pushing the Web page to the other party such that the receiving wireless device essentially synchronizes with the pushing device in terms of the content rendered on the two devices.” (Suryanarayana, ¶0017). These signals cannot be reasonably construed as Web services messages, and nowhere does Suryanarayana describe that any response content is provided in response to invoking a remote procedure call in response to a Web service message request sent via a WAP CO OTA session. Suryanarayana only describes Web content requests serviced by an origin server, and fails to show a mobile server or other mobile device that offers network services.

For at least these reasons, Claims 6, 11, 20, and 25 are not rendered obvious by the combination of Pimentel and Suryanarayana, and withdrawal of the rejection is respectfully solicited.

Authorization is given to charge Deposit Account No. 50-3581 (NSN.018.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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